

Order

Michigan Supreme Court
Lansing, Michigan

January 24, 2006

Clifford W. Taylor,
Chief Justice

128656(44)(45)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DPG YORK, L.L.C., MICHAEL HOROWITZ,
STEVEN FRIEDMAN, RICHARD
LEWISTON, RYAN ROSETT, and ALBERT
LUDWIG,

Plaintiffs-Appellants,

v

SC: 128656
COA: 260337
Ingham CC: 04-001392-CZ

STATE OF MICHIGAN, STATE
ADMINISTRATIVE BOARD, SECRETARY
OF THE STATE ADMINISTRATIVE BOARD,
DEPARTMENT OF MANAGEMENT AND
BUDGET, and DIRECTOR OF THE MICHIGAN
DEPARTMENT OF MANAGEMENT AND
BUDGET,

Defendants-Appellees.

On order of the Court, the motion for immediate consideration is GRANTED. The motion for reconsideration of this Court's order of December 28, 2005 is considered, and it is GRANTED. On reconsideration, including consideration of the briefs filed in connection with the application for leave to appeal (with respect to which neither party sought immediate consideration) and the motion for reconsideration, as well as plaintiffs' brief filed on remand with the Court of Appeals on January 12, 2006, we VACATE our order dated December 28, 2005. The application for leave to appeal the February 15, 2005 order of the Court of Appeals is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court. This denial order constitutes the final decision in this case, and no motion for reconsideration will be accepted for filing.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 24, 2006

Corbin R. Davis

Clerk